IN THE HON'BLE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.857 of 2004 (S/S)

Distt: Pauri - Garhwal.

Smt. Manorama Kaintora a/a 63 years
W/o Shri Vijai Singh Kaintora R/o Near
G.G.I.C. Pauri, District Pauri Garhwal ……..…..Petitioner

Versus

1. State of Uttaranchal through the Secretary, Uttaranchal, Department of Education, Govt. of Uttaranchal at Dehradun.
2. Zila Basic Shiksha Adhikari District Paauri Garhwal……..

Respondents.

Counsel: : Sri B.D. Upadhyaya for the petitioner
Learned Standing Counsel for respondents

Hon'ble M.M. Ghildiyal – J.

Heard Sri B.D. Upadhyaya learned counsel for the petitioner & Learned Standing Counsel. Both the parties have agreed that the Writ Petition be disposed of at the admission stage itself.

This is a Writ Petition filed by the petitioner for a prayer to direct the respondent to pay post retrial benefits alongwith revised pay scale with interest. The petitioner who was Mistress in the Girls Junior High School, Ddhandari, Distt: Pauri Garhwal was suspended by the respondent on 13.12.1999. This order of suspension was challenged by the petitioner by means of writ petition No. 51497 of 1999 before the Allahabad High Court. The High Court of Allahabad on 13.12.1999 stayed the suspension of the petitioner. 30.06.2002, during the pendency of writ petition, the petitioner was retired from service after attaining

the age of superannuation. The writ petition filed before the Allahabad High Court was transferred to this court and this court on 08.07.2003 allowed the writ petition. the operative portion of the judgement is as under :

"For the reasons stated above the suspension order dated 20.04.1999 passed by the Zila Basis Shiksha Adhikari, Pauri Garhwal is quashed. No order as to costs. The respondents are directed to release the post retrial benefits to the petitioner".

This order was served by the petitioner to the District Basic Education Officer on 06.08.2003. After receiving the order passed by this court it is strange that the District Basic Education Officer has passed an order dated 22.11.2003 which is Annexure-A2 to the writ petition asking the petitioner to withdraw the writ petition and till the writ petition is not withdrawn the payment of retrial benefits can not be made to the petitioner. In reply to this letter petitioner informed the District Basic Education Officer that the writ petition filed by the petitioner had already been allowed by the High Court on 08.07.2003 and, as such, there is no question of withdrawing the writ petition. again the District Basic Education Officer, Pauri Garhwal without going to the contents of the reply submitted by the petitioner has directed the petitioner to withdraw the writ petition. it is very strange how the officers are working in the department and passing orders even without going through the record. The writ petition has already been allowed by this court on 08.07.2003. The copy of the said order was also served upon the respondents, inspite of

this, he is writing letters to the petitioner to withdraw the writ petition and till the writ petition is not withdrawn the payment of post retrial benefits can be made.

For the reasons stated above I allow the writ petition and direct the District Basic Education Officer to make all payments due to the petitioner within a period of six weeks alongwith 9% interest thereon.

With these directions the writ petition is finally dispose of.

Sd/-

28.07.2004
Negi.